

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOE NATHAN HOMER,

No. C 05-03346 WHA

Plaintiff,

v.

ORDER DISMISSING CASE

CREEK COUNTY COURT,

Defendant.

Plaintiff Joe Nathan Homer filed a complaint on August 17, 2005, against Creek County Court in Oklahoma. To the best of the Court's understanding, plaintiff alleges that when his father Emmett Homer was still a minor, his land in Creek County, Oklahoma was sold by his legally-appointed guardian, James Miller. Plaintiff further alleges that although Mr. Miller was ordered by both Creek County Court and Haskell County Court to pay plaintiff's father, he wrongfully kept the proceeds. Various documents from the early 1900s, (*i.e.*, 1904–1923), are appended as exhibits. Plaintiff seeks \$6,000,000.00 in damages.

It is difficult to discern why the defendant in this action is Creek County Court. Even assuming for the sake of argument that plaintiff's claim is not barred by the relevant statute of limitations, it appears that plaintiff is alleging that *Mr. Miller* acted unlawfully. In addition, it is unclear why *this* court, rather than a district court in Oklahoma, would be the proper venue, particularly as the complaint alleges that "the defendant reside[s] in Creek County and a substantial amount of the facts and documents occurred in this county" (Compl. at 1).

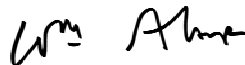
Pursuant to Rules 8(e) and 41(a)(2) of the Federal Rules of Civil Procedure, plaintiff's complaint is **DISMISSED WITH LEAVE TO AMEND**. This means plaintiff may file an amended complaint as long as it is received by **SEPTEMBER 19, 2005**. Otherwise, judgment will be entered accordingly. The amended complaint shall comply with the following requests:

1. Please write a simple statement why you believe a federal court has the power to decide this particular case, *i.e.*, subject-matter jurisdiction.
2. Please write a simple statement explaining why you believe the Northern District of California is the proper venue for this action.
3. Please explain what you believe the defendant did to you that was unlawful. Please try to be clear and concise.
4. Please explain what laws you believe were violated by defendants' conduct.

More information on what needs to be in a complaint can be found in the *Pro Se Handbook*, which is available on the district court's website, <http://www.cand.uscourts.gov>. Plaintiff may also find form complaints for many areas of the law in nearly any law library.

IT IS SO ORDERED.

Dated: September 2, 2005



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE